

REMARKS

Before the current amendment claims 1-10 were in prosecution. Claims 1, 4, 6 and 10 are amended above. Claims 1-10 remain in prosecution.

The Office Action

In the Office Action the drawings were objected to because of an inconsistency in the reference sign. Applicants thank the Examiner for carefully reviewing the drawings. A review of the figures indicates that the Examiner is correct—sign 37 in Figs. 5, 6, and 8 should be 36. In addition, those same figures contain a spurious reference sign 44 pointing to the suspension tube 36. Further, Figs. 3 and 4 refer to the directing tube as 36 rather than 38. Appropriate corrections are submitted herewith for the Examiner's approval.

Claims 1-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Cobb** (U.S. Patent No. 1,776,489) in view of **Fish** (U.S. Patent No. 947,468). The Examiner found that the device of **Cobb** essentially provides the same structural features as Applicants' device except that it lacks valves. Applicants understand the Examiner as stating that the **Cobb** device is equivalent to Fig. 7 of the instant application, which figure shows an embodiment without valves. The Examiner concludes that **Fish** provides the missing valves.

Claims 6-10 were objected to as being based on a rejected based claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicants thank the Examiner for this determination of allowable subject matter.

Claim Rejections

Applicants respectfully traverse the rejections made under 35 U.S.C. § 103(a). In an analysis of **Cobb** (page 3 of the Office Action), the Examiner finds all of the elements of Applicants' device in that reference. Applicants' respectfully point out that the "passageway" element (line 6 of claim 1) is in communication with the gas conduit. That is to say, the passageway is operationally connected directly to the gas conduit. This communication is best seen as 46 in Fig. 6 (the valveless embodiment of the device). This communication is reversibly closed by valve 58 in Fig. 8. Applicants respectfully contend that **Cobb** lacks any communication between the gas conduit (pipe 15) and the passageway (pipe 16). In fact, the device of **Cobb** is structurally analogous to the embodiment of Fig. 5 of the instant application—this embodiment also lack a communication between the gas conduit and the passageway. As explained in the specification, the connection between the gas conduit and the passageway can help dispense the solid material in the container as well as provide (with the use of valves) an air stream free of the solid material.

The valves in **Fish** close the gas conduit (pipe 3) and passageway (pipe 4). Apparently, this device was designed to dispense ink or other liquid from the container 1. For this purpose the bulb 7 provides gas pressure to the container 7 through the pipe 4 and the orifice 19. The opening 24 of the passageway 3 is located at the bottom of the container 1 below the liquid level. Therefore, gas pressure delivered through the gas conduit 4 causes the liquid to be forced into the passageway 3 and to exit from the opening 6. When the device is moved or stored, it is undesirable for ink to drip all over the place. Therefore, valves 13 are provided to simultaneously close both the gas conduit 4 and the passageway 3. The Examiner's attention is now called to Fig. 8 of the instant application. In that drawing it can be observed that a first valve 58 reversibly closes the opening between the gas conduit 28 and the directing tube 38. A second valve 62 reversibly

closes the orifice 44 connecting the container and the directing tube 38. This valve is analogous to the valve 13 in pipe 3 of the Fish device. The Fish device has nothing analogous to valve 58 which would close a connection (that does not exist) between pipe 3 and pipe 4.

Whereas the valves in the Fish device are intended to prevent spillage of liquid, the valves in the present device are intended to vary the rate and volume of dispensing (by opening or closing valve 58) or to prevent dispensing while still providing an air stream by opening valve 58 and closing valve 62. Applicants respectfully contend that the cited prior art neither discloses nor suggests the claimed structures. Therefore, Applicants respectfully request the rejections made under 35 U.S.C. § 103(a) be withdrawn.

Allowable Claims

In redrafting Claim 6 in independent form Applicants noticed that the reference to valves in the claim is superfluous. The orientation of valves described provides the structure shown in Fig. 5, which is the structure originally assumed by the Examiner. To clarify the redrafted claim, the reference to valves is moved to a dependent claim.

Claim Amendments

Applicants believe that original claims 1-5 are patentable over the cited art. However, because the Examiner misunderstood the original claim, the connection between the gas conduit and the passageway is now claimed in a more direct fashion. There is no intent to alter the scope of the claim in any way.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner still finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney

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at the Los Angeles telephone number (310) 500-3548 to discuss the steps
necessary for placing the application in condition for allowance. You are hereby
authorized to charge any fees due and refund any surplus fees to our Deposit
Account No. 50-2899. Please reference matter number 16018.900100 .

Respectfully submitted,

LINER YANKELEVITZ SUNSHINE &
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Date: 29-Nov-05

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